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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KA HOLDINGS OF NEW YORK, LTD.
a/k/a KA HOLDINGS LTD OF NY a/k/a
KA HOLDINGS LTD.,

Case No. 07 Civ. 9675 (SCR) (LMS)

Plaintiff,

-against-

CHRISTOPHER CHAGARIS,

Defendant.
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**DECLARATION OF
SEAN W. HIGGINS
IN SUPPORT OF MOTION
TO DISMISS THE
AMENDED COMPLAINT**

SEAN W. HIGGINS hereby declares, subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

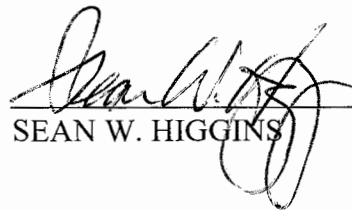
1. I am a member of the Bar of the State of New York and am associated with Venturini & Associates, attorneys for defendant Christopher Chagaris ("Chagaris"). I make this declaration in support of Chagaris' motion for an order dismissing the Amended Complaint, pursuant to Fed. R. Civ. P. 12(b), or in the alternative, transferring this action to the Western District of North Carolina, pursuant to 28 U.S.C. § 1404(a) and/or 1406(a).

2. The opening sentence of the Amended Complaint states that the plaintiff is KA Holdings of New York, LTD., and the caption purports that the plaintiff is also known by two other corporate names. Neither the plaintiff nor the second "a/k/a" name are valid corporations in New York, according to the online records of New York's Secretary of State. Only the first "a/k/a" name, *i.e.*, K.A. Holdings Ltd. of NY, appears to be a valid New York entity.

3. I searched the online records of New York's Secretary of State for all entities beginning with "KA Holdings" and received only one result: "K.A. Holdings Ltd. of NY". A true and correct copy of the record for the entity received from the aforementioned search is annexed hereto as Exhibit 11.

WHEREFORE, I respectfully request that this Court grant Chagaris' motion for an order, pursuant to Fed. R. Civ. P. 12(b), dismissing the Amended Complaint or, in the alternative, transferring this action to the Western District of North Carolina.

Dated: July 14, 2008



SEAN W. HIGGINS